

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

LAWRENCE SCHUSTER, Register No. 532526,)
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Plaintiff,)
)
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v.) No. 07-4075-CV-C-SOW
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)
LARRY CRAWFORD, et al.,)
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)
)
Defendants.)

ORDER

On August 4, 2009, United States Magistrate Judge William A. Knox recommended granting defendants' summary judgment and dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including plaintiff's August 31, 2009 filing. Plaintiff's filing fails to create any genuine issues of material fact that would preclude the entry of summary judgment. The issues of this case were adequately addressed in the report and recommendation. The court is persuaded that the recommendation is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 4, 2009, is adopted. [49] It is further

ORDERED that defendants' motion of October 14, 2008, for summary judgment is granted and plaintiff's claims are dismissed, with prejudice. [45]

/s/

SCOTT O. WRIGHT
Senior United States District Judge

Dated: September 23, 2009
Kansas City, Missouri